

REMARKS

Claims 1-8, 11-20, 25-27 and 31-33 are pending in the present application.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

Claims 1-3, 5-6, 8 14-17, 20, 25-26 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,982,979 to *Omata et al* in view of U.S. Patent No. 5,933,569 to *Sawabe et al*. Claims 4, 19 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Omata et al* in view of *Sawabe et al* and further in view of U.S. Patent No. 5,999,698 to *Nakai et al*. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Omata et al* in view of *Sawabe et al* and further in view of U.S. Patent No. 5,825,884 to *Zdepski et al*. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Omata et al* in view of *Sawabe et al* and further in view of U.S. Patent No. 5,987,417 to *Heo et al*. Claims 12-13 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Omata et al* in view of *Sawabe et al*, *Heo et al* and *Zdepski et al*. Claims 18 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Omata et al* in view of *Sawabe et al* and further in view of U.S. Patent No. 5,642,171 to *Baumgartner et al*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-128 (8th ed. rev. 2 May

2004). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Independent claims 1, 20 and 25 each recite a file reader capable of obtaining any of one or more encoded audio/video data streams from a data source utilizing a file system, and a file navigator enabling user selection of a particular file on the data source and instructing the file reader to obtain a selected encoded audio/video data stream from the data source. Such features are not found in the cited references, taken alone or in combination. The cited portion of *Omata et al* actually relates to user selection of start position within a video stream in a single video file, not to user selection of a particular file on a data source to retrieve audio/video data for that file. The first part of the cited portion of *Omata et al* relates to creation of one or more still "representative pictures" each representing a video file and one or more still "content pictures" each associated with a portion of the video content within the video file, such as a scene beginning and ending with a scene change.

Omata et al, column 3, line 26 through column 4, line 6. In the portion of *Omata et al* that relates to retrieval of video content, the representative pictures are displayed to the user and “a user designation from the user relative to selection of a desired video to be displayed is inputted from the video selector 53.” *Omata et al*, column 4, lines 7–33. The content pictures for a selected video file are then loaded, and the user required to select a display start position from those available. *Omata et al*, column 4, lines 34–50. The system of *Omata et al* thus does not enable navigation of the video files 21, but instead requires the user to select a specific portion of a video file based on content, and retrieves the corresponding portion of one file incidental to display. The system of *Omata et al* does not permit the user to employ video content display 57 to instruct video reproducer 59 to obtain a particular selected video file as recited in the claims, but instead constrains the user to selection of a particular scene for a video.

Independent claims 1 and 25 also each recite a reprogrammable proxy filter converting component data streams into at least one renderable audio signal and at least two renderable video signals (e.g., sub-picture and video). Proxy filter 328 in the exemplary embodiment is “reprogrammable” to accommodate any combination of any one of MPEG-1, MPEG-2 and MPEG-4 video data with any one of AC-3, MPEG or PCM audio data. Such a feature is not found in the cited references. As conceded in the Office Action, *Omata et al* does not teach or suggest a reprogrammable proxy filter. Moreover, the buffers 87–94 and decoders 88–95 within the cited portion of *Sawabe et al* are not described as reprogrammable in any manner. While different-

language streams may be selected by stream selection signal Slc from system controller 100 to demultiplexer 86, such stream selection merely affects the source of the data rendered by decoders 88-95 and involves no programming or reprogramming of decoders 88-95, which operates on the received data stream in the same manner regardless of the source.

Finally, nothing in the cited references reasonably suggests that the teachings of *Omata et al* and *Sawabe et al* may be successfully combined as proposed. *Sawabe et al* teaches a track based optical media playback system, while *Omata et al* relates to magnetic media with a file-based organization. Nothing in either reference suggest how the file-based organization of video files may be modified to retrieve content organized simply as tracks on optical media.

Therefore, the rejection of claims 1-8, 11-20, 25-27 and 31-33 under 35 U.S.C. § 103 has been overcome.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

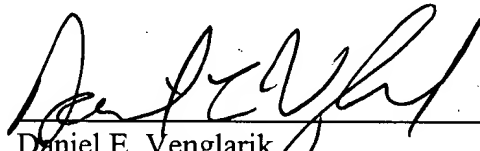
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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